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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,664	12/31/2003	Kyu Taek Cho	11036-048-999	2236
24341	7590	12/30/2005	EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			PICKARD, ALISON K	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/750,664	CHO, KYU TAEK	
	Examiner Alison K. Pickard	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 9 and 10 is/are withdrawn from consideration.
- 5) Claim(s) 11-20 is/are allowed.
- 6) Claim(s) 1 and 3-8 is/are rejected.
- 7) Claim(s) 2 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (6,861,171) in view of Sasaki (6,337,120) in view of Jonasz (5,723,192).

Suzuki discloses a method of making a gasket comprising a rubber on a rigid plate 10. The plate can be metal, plastic, or woven with a thickness less than 1mm (covers range of .2-.3 mm). Any dispensing method (i.e. spraying) can be used to deposit the rubber on the carrier (col. 5:39-44), which is then vulcanized and cut (col. 3:56-60). Suzuki discloses the rubber can be a fluoropolymer but does not give the specifics of the rubber 60. Sasaki teaches a gasket comprising rubber on support. Sasaki teaches adding a rubber (ptfe) powder to the liquid rubber (fluoropolymer) to decrease gas-permeability. This powder is a plastic and has a hardness in the claimed range. Sasaki also teaches the liquid rubber has the claimed viscosity. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made use the rubber with the rubber powder as taught by Sasaki to decrease gas-permeability of the seal.

Sasaki does not disclose that two rubber powders are added. Jonaz teaches a gasket made of a rubber wherein ground rubber powder is added to liquid rubber. Jonaz teaches it is an art equivalent to use one or more than one rubber powder (col. 3, lines 56-61). Therefore, it would

have been obvious for one of ordinary skill in the art at the time the invention was made to use two kinds of rubber powders when making the gasket as such is an art equivalent as taught by Jonasz. Also, it is considered inherent that two kinds of rubbers would have different hardness.

Regarding claims 4 and 5, it is not considered inventive to discover the workable or optimum ranges by routine experimentation absent the showing of criticality for such ranges. See *In re Aller*, 105 USPQ 233, 235 (CCPA 1955). Further it is known that rubber powders can have that volume ratio as seen in Matsushita '723 (see col. 16:37). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the volume ratios required by the claims.

Allowable Subject Matter

3. Claims 11-20 are allowed.
4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Kojima, Yamamoto, Jonasz, Aonuma, Mertzel, and Matsushita each teach that a rubber liquid/powder mixture can have one or two kinds of rubber powders. Jonasz and Kojima, for example, both teach rubber compositions used for gaskets. Both teach the use of a rubber powder/ rubber liquid mixture where the powder is insoluble in liquid. And, both teach that one powder or a mixture (i.e. two) of powders can be used to create the composition.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alison K. Pickard whose telephone number is 571-272-7062. The examiner can normally be reached on M-F (10-7:30), with alternate Friday's off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alison K. Pickard
Primary Examiner
Art Unit 3673

AP